

## MEMORANDUM

**TO:** District Board of Zoning Adjustment

**FROM:** Paul Goldstein, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** December 4, 2012

**SUBJECT:** BZA No. 18463 - Request for variance relief pursuant to § 401.3 to permit the residential conversion and expansion of an existing building in an R-4 zone

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) **recommends approval** of the conversion and expansion of an existing building to a 25 unit apartment building at 901 D Street NE (Square 938, Lot 809). The application requires the following area variance relief:

- § 401.3: minimum lot area (22,500 square feet of land area is required for the requested 25 units; only 19,448 square feet is proposed)

The Applicant's original application also requested relief from minimum rear yard (§ 404) and minimum open court (§ 406) standards. As a result of the revised design submitted on November 28, 2012, the project no longer requires rear yard or court relief.

### **II. AREA AND SITE DESCRIPTION**

Address:	901 D Street NE
Legal Description:	Square 938, Lot 809 (hereinafter, the "Property") <sup>1</sup>
Ward/ANC:	6/6A
Lot Characteristics:	The Property is rectangular in shape and measures 21,254 square feet in size. It has street frontage to the north (D Street) and west (9 <sup>th</sup> Street NE) and borders an improved 15' wide public alley to the east (which is inaccessible from the Property due to a grade change).
Zoning:	R-4: Row dwellings and flats
Existing Development:	The Property is improved with a three-story former school building (Edmonds School) (hereinafter, the "School Building") constructed over a century ago. It occupies the northwest portion of the Property. A stark playground is located to the south of the School Building and a surface parking lot to its southeast.
Historic District:	Capitol Hill Historic District

<sup>1</sup> OP notes that it appears there are four existing underlying record lots 7-10. OP expects that the lots would be subdivided into a single record lot at the time of permitting.

Adjacent Properties:	To the immediate east of the Property is a three-story row dwelling, and across an alley are the rear yards of row dwellings. The Property borders a two-story row dwelling to the south. To the Property's west, across 9 <sup>th</sup> Street, are two and three-story row dwellings and a church. To the north, across D Street, are two and three-story row dwellings.
Surrounding Neighborhood Character:	The subject Square is comprised of single family row dwellings and flats, which also reflect the predominate development pattern of the surrounding neighborhood. There are commercially zoned properties one block to the west of the subject site along 8 <sup>th</sup> Street. The Property also is four blocks east of Stanton Park.

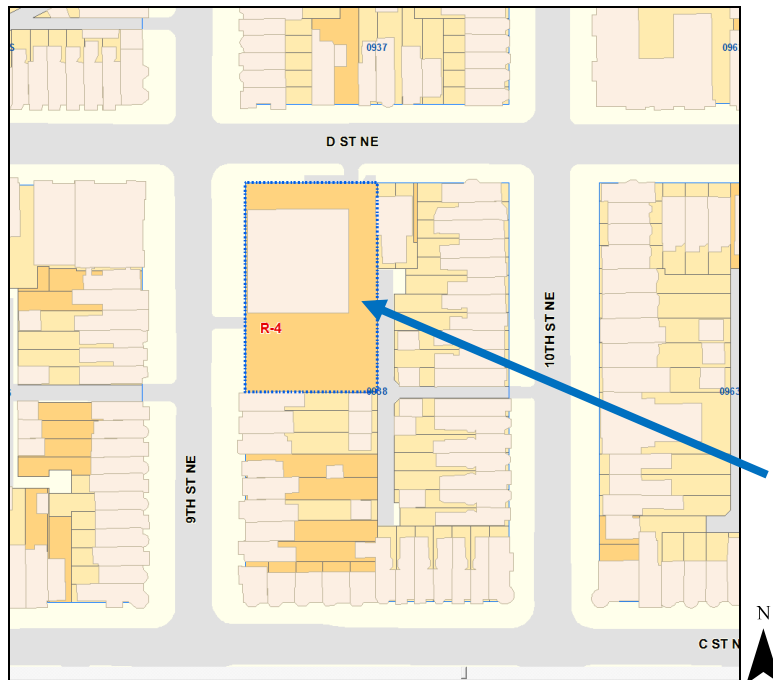
### III. PROJECT DESCRIPTION IN BRIEF

Applicant:	CAS Riegler Real Estate Development (the "Applicant")
Proposal:	<p>The Applicant generally proposes the following: (1) to convert the School Building into an apartment house with 22 units; (2) to add a building addition consisting of three new townhouse units south of the School Building along 9<sup>th</sup> Street; and (3) to subdivide an 1,800 square foot portion from the Property's northeast corner for a separately deeded row dwelling.</p> <p>More specifically, the School Building, which most recently has been used as offices for the DC Teachers Federal Credit Union, would be renovated for 22 residential units. The three level building would have a mix of 5 studios/jr. 1-bedrooms, 7 one-bedroom/one bedroom+den, and 10 two-bedroom units. The average unit size would be about 1,000 square feet.</p> <p>An addition would extend south of the School Building with three units in row dwelling style buildings fronting 9<sup>th</sup> Street.<sup>2</sup> The row dwellings would be physically linked to the School Building on the second floor, with a driveway connecting to the rear surface parking lot running underneath.<sup>3</sup> The row dwelling units would be approximately 18' wide by 51' deep and three stories tall.</p> <p>A 1,800 square foot portion of the Property's northeast corner would be subdivided off to create a separately deeded lot for a future row dwelling. Following the subdivision, the Property would be 19,448 square feet in size.</p> <p>An existing curb cut along D Street would be removed and an existing driveway connecting 9<sup>th</sup> Street to a rear surface parking area would be widened by approximately 2'10". Thirteen parking spaces would be provided, some of which would be covered by a 10' tall deck.</p>
Relief Sought:	§ 401.3: minimum lot area for an apartment conversion in an R-4 zone

### IV. IMAGES AND MAPS

<sup>2</sup> This represents a reduction by one unit compared to the original proposal.

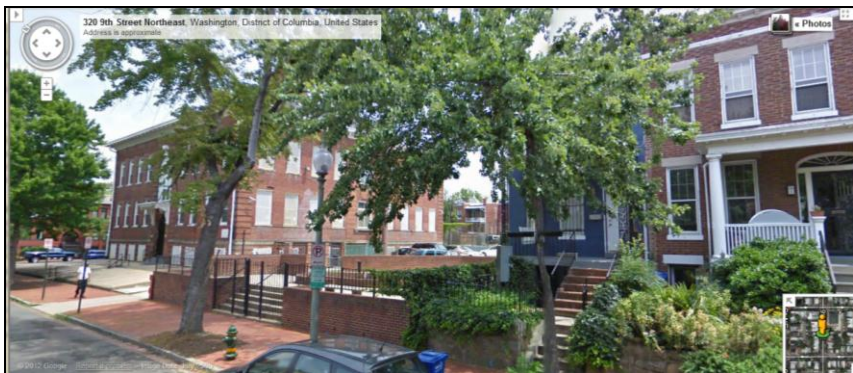
<sup>3</sup> The Zoning Administrator has confirmed that the bridge linking the School Building to the row dwelling units contains a sufficient connection such that the project is considered one building for zoning purposes.



Aerial view of the subject site (highlighted and identified with arrow)



View of the subject block looking east across 9<sup>th</sup> Street (Property identified); (2009 image)



View of the site looking northeast from 9<sup>th</sup> Street. (Google Image 2009).

## V. ZONING REQUIREMENTS

The following table, which reflects information supplied by the Applicant, summarizes relevant zoning requirements for the project and the relief requested.

<b><i>R-4 Zoning</i></b>	<b><i>Restriction</i></b>	<b><i>Existing</i></b>	<b><i>Proposed</i></b>	<b><i>Relief</i></b>
Lot area (sq. ft.) § 401	900 SF/dwelling unit	21,254 (property size)	19,448 (property size) <sup>4</sup> 778 SF/unit  1,800 (subdivided fee simple lot)	<i>Needs relief:</i> deficient by 3,052 square feet (property size) or 122 SF/unit
Lot occupancy (building area/lot area) § 403	Greater of 60% or the lot occupancy as of the date of conversion	33%	58%	Conforms
Rear Yard (ft.) § 404	20' min	27.2'	33.6' (average depth)	Conforms <sup>5</sup>
Height (ft.) § 400	40' building	35.3'	35.3' (School Building); 33.8' row dwelling units	Conforms
Parking (number) § 2101.1	1 for each 3 dwelling units; although none required for the proposed conversion of the historic building § 2120.3	26	13	Conforms <sup>6</sup> ; the fee simple lot also would have 1 parking space

## VI. RELIEF REQUESTED & OP ANALYSIS

The proposal would convert and expand an existing building into a 25 unit apartment building (including the row dwellings along 9<sup>th</sup> Street). The conversion of an existing building to an apartment house is permitted so long as there is a minimum of 900 square feet of lot area per apartment (§ 401.3) and the maximum lot occupancy does not exceed the greater of 60% or the lot occupancy as of the date of conversion (§ 403.2), among other requirements. The project also proposes to subdivide off one 1,800 square foot fee simple lot, which meets the R-4 lot dimension standards.

### Area Variance Relief (§ 401.3)

#### **1. Does the property exhibit specific uniqueness with respect to exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional situations or conditions?**

The Property exhibits a specific uniqueness due to a confluence of factors. First, the Property is considerably larger than neighboring lots in the Square, measuring 21,240 square feet in size. OP estimates that the average lot size in the Square is 1,472 square feet, nearly 20,000 square feet smaller. Even after the proposal to separately deed a 1,800 square foot lot at the Property's northeast corner, the Property would still be considerably larger than its neighbors. Second, the School Building inhabits roughly the northwest portion of the site, occupying about 1/3 of the total Property. The Applicant indicates that historically preserving key interior and exterior features of the building during the conversion presents significant design challenges. The Applicant has consulted with the Historic Preservation Office as the project has progressed. Third, the

<sup>4</sup> OP notes a slight discrepancy (6 square feet) in lot sizes.

<sup>5</sup> The Zoning Administrator has confirmed the rear yard measurement.

<sup>6</sup> The Applicant also indicated that the Property currently has 12 legal parking spaces.

majority of the site is improved with hardscape surfaces, creating an unfavorable site condition and contributing to a gap in the general pattern of row dwellings. An approximately 70' wide gap exists along 9<sup>th</sup> Street between the south side of the School Building and the nearest row dwelling, and about 27' separates the School Building from the nearest row dwelling to the east. Fourth, the application identifies the presence of an underground heating oil tank (containing an estimated 10,000 gallons) which would require remediation and additional development expense, although it is not clear how this rises to an exceptional feature imposing a practical difficulty to the Applicant.

**2. Does the extraordinary or exceptional situation impose a practical difficulty which is unnecessarily burdensome to the applicant?**

The exceptional situation does impose a practical difficulty which is unnecessarily burdensome to the Applicant's use of the Property. Section 401.3 permits the conversion of existing buildings in R-4 zones to apartments so long as there is a minimum of 900 square feet per dwelling unit. Strict application of the Zoning Regulations would limit the property (excluding the fee simple lot) to 21 units as a matter of right. However, the Applicant's proposal for 25 units is an outgrowth of the unique Property features.

First, the application discusses the challenges of converting the existing school building to residential units while preserving key building elements. The Historic Preservation Office's November 29, 2012 staff report indicates that HPO identified as particularly sensitive interior features "the masonry piers that form the central hallway on each of the upper floors, the walls that form the stair corridors, and the walls that created the original division between classrooms and cloakrooms."<sup>7</sup> Also challenging for the conversion are the window placements. The Applicant has worked to minimize the extent of interior demolition. The location of central columns, and the building dimensions, created difficulties in designing efficient hallway space and locating unit entries. The application states that the 22 unit design "is the only number that allows both functional and marketable units due to the building's unique, deep square shape."<sup>8</sup> The proposed layouts would create studios averaging 510 square feet, one-bedrooms of 745 square feet, and two-bedrooms of 1,375 square feet. The average unit size is approximately 1,000 square feet. According to the Applicant, providing fewer units would result in excessively large units with dark and inefficient layouts. A concise market analysis of one-bedroom units in the Capital Hill area was provided to illustrate how creating larger units would not be appropriate for the market, and OP anticipates that the Applicant will provide additional hearing testimony related to the marketability of the proposed unit mix.<sup>9</sup>

Second, the exceptionally large size of the Property, coupled with the location of the existing building on the site, creates sizable gaps in the street wall that are at odds with the row dwelling pattern in the neighborhood. The site also is underused in terms of lot coverage. The building covers only a third of the site while the R-4 zone permits up to 60% lot occupancy. Consequently, the application proposes to subdivide a 1,800 square foot portion of the Property off to allow the construction of a matter of right row dwelling consistent with adjacent dwellings along D Street and to construct an addition to the School Building's south side of three new units designed in a row dwelling style.<sup>10</sup> The dwellings would be 18' wide, which is consistent with R-4 standards. Such a design would eliminate the street wall gap and enliven this stretch of 9<sup>th</sup> Street. The three row dwellings would not be on separately deeded lots.<sup>11</sup> Should the project strictly comply with § 401.3 (which would limit

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<sup>7</sup> OP understands that the Historic Preservation Review Board is generally supportive of the most recent project plans.

<sup>8</sup> See id. at page 7.

<sup>9</sup> See id. at Exhibit C.

<sup>10</sup> OP would anticipate that some type of access easement would be created to ensure vehicular access to the rear parking space.

<sup>11</sup> The option of creating separately deeded row house lots along 9<sup>th</sup> Street on 1,800 square foot lots would have two problematic consequences for the project: (1) the conversion of the existing school building to 22 units would become more non-conforming (OP estimates that only 15 units would be permitted by right due to the reduction in size of the Property), and (2) there would be less room to accommodate parking spaces for the units in the School Building.

the site to a total of 21 units), an empty gap along 9<sup>th</sup> Street would remain for little benefit to the Applicant or the neighborhood.

**3. Can the relief be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations and Map?**

Relief could be granted without substantial detriment to the public good. The project would adaptively reuse an existing building for residential use in a residential neighborhood. The addition along 9<sup>th</sup> Street would extend the existing row dwelling pattern. The development would be supported by 13 rear parking spaces generally shielded from public view (and one additional space for the fee simple row dwelling on D Street), and at least one new publically available street space would be created once the D Street curb cut is closed. The project should not have a detrimental impact on light and air or create an unreasonable intensity of residential use.

Additionally, the project should not substantially impair the intent, purpose, and integrity of the Zoning Regulations or Map. The proposal creatively allows for adaptive reuse of a school building in a manner that would be contextually consistent with the neighboring land uses.

**VII. ANC/COMMUNITY COMMENTS**

An ANC 6A representative indicated to OP that the ANC was in opposition to the application, although OP has not reviewed an official submission from the ANC at the date of this report. OP understands that the Applicant and ANC have had frequent communications regarding the project. An ANC representative indicated that the ANC was concerned by the number of units requested, particularly as it relates to the project's potential impact on the street parking supply in the neighborhood. To that end, the Applicant has expressed a readiness to subsidize the cost of a curbside car share space and a Capitol Bikeshare station as a strategy to address parking concerns, and OP is supportive of such measures. OP encourages the Applicant to further address parking issues at the hearing.

The Applicant also has indicated that some adjacent neighbors have verbally supported the application, although OP has not received any written submissions at the date of this report.